

Amendment to Use Value Appraisal Definition of Agricultural Land

A. Use Value Appraisal (UVA) Definition of Agricultural Land: 32 V.S.A. § 3752(1)

(1) “Agricultural land” means any land, exclusive of any housesite, in active use to grow hay or cultivated crops, pasture livestock or to cultivate trees bearing edible fruit or produce an annual maple product, and which is 25 acres or more in size except as provided in this subdivision (1). There shall be a presumption that the land is used for agricultural purposes if:

(A) it is owned by a farmer and is part of the overall farm unit; or

(B) it is used by a farmer as part of his or her farming operation under written lease for at least three years; or

(C) it has produced an annual gross income from the sale of farm crops in one of two, or three of the five, calendar years preceding of at least:

(i) \$2,000.00 for parcels of up to 25 acres; and

(ii) \$75.00 per acre for each acre over 25, with the total income required not to exceed \$5,000.00.

(iii) Exceptions to these income requirements may be made in cases of orchard lands planted to fruit producing trees, bushes, or vines which are not yet of bearing age. As used in this section, the term "farm crops" also includes animal fiber, cider, wine, and cheese produced on the enrolled land or on a housesite adjoining the enrolled land from agricultural products grown on the enrolled land.

B. Use Value Appraisal Definition of Farmer: 32 V.S.A. § 3752(7)

(7) “Farmer” means a person:

(A) who earns at least one-half of the farmer's annual gross income from the business of farming as that term is defined in Regulation 1.175-3 issued under the Internal Revenue Code of 1986; or

(B)(i) who produces farm crops that are processed in a farm facility situated on land enrolled by the farmer in a use value appraisal program or on a housesite adjoining the enrolled land;

(ii) whose gross income from the sale of the processed farm products pursuant to subdivision (i) of this subdivision (B), when added to other gross income from the business of farming as used in subdivision (A) of this subdivision (7), equals at least one-half of the farmer's annual gross income; and

(iii) who produces on the farm a minimum of 75 percent of the farm crops processed in the farm facility;

(C) The Agency of Agriculture, Food and Markets shall assist the director in making determinations of eligibility pursuant to subdivision (B) of this subdivision (7).

C. Required Agriculture Practices—Buffer Requirements

6.07 Buffer Zones: Manure and Agricultural Wastes Application Setbacks

A vegetative buffer zone of perennial vegetation shall be maintained between croplands and the top of the bank of adjoining surface waters and ditches consistent with the criteria in (a) - (i) below:

- (a) Adjacent surface waters shall be buffered from croplands by 25 feet of perennial vegetation.
- (b) Ditches shall be buffered from croplands by 10 feet of perennial vegetation unless determined to potentially transport significant waste or nutrients to surface water consistent with the USDA 590 standard nutrient management requirements.
- (c) Surface inlets or inlets of open drains shall be buffered from croplands by 25 feet of perennial vegetation.
- (d) Mechanical application of manure or other agricultural wastes is prohibited within perennially vegetated buffer zones. Grazing of livestock consistent with Sec. 7 is permitted.
- (e) The use of fertilizer or compost for the establishment and maintenance of a required vegetative buffer zone is allowed consistent with NMP requirements, soil analysis, and agronomic recommendations for the buffer zone.
- (f) Tillage within the perennially vegetated buffer zone is prohibited other than for the establishment and maintenance of the buffer zone.
- (g) Harvesting a vegetative buffer zone as a perennial crop is allowed.
- (h) Spoils from agricultural ditch maintenance shall not be stored in the buffer zone or in such a manner as to discharge to surface water.
- (i) Exceptions to the required vegetative buffer zone widths, including the requirements of Sec. 6.05(f), may be considered upon request on a site-specific basis according to standards approved by the Secretary, but in no case shall a buffer zone be less than 10 feet in width. Site-specific buffer zones may be approved based on field characteristics such as a determination that a conveyance has the potential to transport significant wastes or nutrients to surface water, field contours, soil types, slopes, proximity to water, NMP requirements, and other relevant characteristics when the Secretary determines that the proposed site-specific buffer zones are adequately protective of surface waters.

D. Required Agricultural Practices Definition of Farming

2.16 Farming means:

- (a) cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops; or
- (b) raising, feeding, or management of livestock, poultry, fish, or bees; or
- (c) operation of greenhouses; or
- (d) production of maple syrup; or
- (e) on-site storage, preparation, and sale of agricultural products principally produced on the farm; or
- (f) on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or
- (g) raising, feeding, or management of 4 or more equines owned or boarded by a farmer, including training, showing, and providing instruction/lessons in riding, training, and management of equines.

E. Secs. C.6 and C.7 of Draft Economic Development Bill

Sec. C.6. 32 V.S.A. § 3752 is amended to read:

§ 3752. DEFINITIONS

As used in this subchapter:

(1) “Agricultural land” means any land, exclusive of any housesite, in active use to grow hay or cultivated crops, pasture livestock or to cultivate trees bearing edible fruit or produce an annual maple product, and which is 25 acres or more in size except as provided in this subdivision (1). Agricultural land includes buffer zones as defined and required in the rule addressing required agricultural practices adopted by the Vermont Agency of Agriculture, Food and Markets under its authority in Title 6, Chapter 215. There shall be a presumption that the land is used for agricultural purposes if:

(A) it is owned by a farmer and is part of the overall farm unit; or

(B) it is used by a farmer as part of his or her farming operation under written lease for at least three years; or

(C) it has produced an annual gross income from the sale of farm crops in one of two, or three of the five, calendar years preceding of at least:

(i) \$2,000.00 for parcels of up to 25 acres; and

(ii) \$75.00 per acre for each acre over 25, with the total income required not to exceed \$5,000.00.

(iii) Exceptions to these income requirements may be made in cases of orchard lands planted to fruit producing trees, bushes, or vines which are not yet of bearing age. As used in this section, the term “farm crops” also includes animal fiber, cider, wine, and cheese produced on the enrolled land or on a housesite adjoining the enrolled land from agricultural products grown on the enrolled land.

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(14) “Farm buildings” means all farm buildings and other farm improvements which are actively used by a farmer as part of a farming operation, are owned by a farmer or leased to a farmer under a written lease for a term of three years or more, and are situated on land that is enrolled in a use value appraisal program or on a housesite adjoining enrolled land. “Farm buildings” shall include up to \$100,000.00 of the value of a farm facility processing farm crops, a minimum of 75 percent of which are produced on the farm and shall not include any dwelling other than a dwelling in use during the preceding tax year prior 12 months exclusively to house one or more farm employees, as defined in 9 V.S.A. § 4469a, and their families, as a nonmonetary benefit of the farm employment. This subdivision shall not affect the application of the definition of “farming” in 10 V.S.A. § 6001(22) or the definition of “farm structure” in 24 V.S.A. § 4413(d)(1).

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Sec. C.7. 32 V.S.A. § 3755(f) is amended to read:

(f) On or before September November 1 of each year, the owner of agricultural land or buildings enrolled in the use value program as agricultural land or buildings shall certify in writing under oath to the Commissioner that the agricultural land or buildings enrolled by that owner continue to meet the requirements for enrollment in the use value program at the time of the certification. The form of the certification shall be made on a form specified by the Director of Property Valuation and Review.